

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

MISTY COOK,

Petitioner,

v.

CIVIL ACTION NO. 1:04-0550

VANESSA P. ADAMS,
Warden, FPC Alderson,

Respondent.

MEMORANDUM OPINION AND JUDGMENT ORDER

By Standing Order entered on May 20, 2002, and filed in this case on June 3, 2004, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings and a recommendation. Magistrate Judge VanDervort filed his proposed findings and recommendation on October 5, 2004. In that filing, the magistrate judge recommended that this court dismiss petitioner's application for writ of habeas corpus by a person in state or federal custody pursuant to 28 U.S.C. § 2241 and dismiss this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. No party has filed objections within the requisite period, and the failure of any party to file such objections constitutes a waiver of such party's right to a de

novo review by this court. Thomas v. Arn, 474 U.S. 140 (1985); Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Having reviewed the Proposed Findings and Recommendation filed by the magistrate judge, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby DISMISSES petitioner's application for writ of habeas corpus (Doc. No. 1) and ORDERS this matter removed from the court's docket.

The Clerk is directed to forward a certified copy of this memorandum opinion and judgment order to all counsel of record and to the petitioner.

IT IS SO ORDERED this 13th day of May, 2005.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge